

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JASON JOSHUA POSADA,

Plaintiff,

v.

PIERCE COUNTY JUDICIAL SYSTEM,

Defendant.

CASE NO. 3:23-cv-05291-TL-DWC

ORDER ON REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable David W. Christel, United States Magistrate Judge (Dkt. No. 6), and Plaintiff's objections to the Report and Recommendation (Dkt. No. 7). Having reviewed the Report and Recommendation, Plaintiff's objections, and the remaining record, the Court ADOPTS the Report and Recommendation and OVERRULES the objections.

A district court has jurisdiction to review a magistrate judge's report and recommendation on dispositive matters. *See* Fed. R. Civ. P. 72(b). The district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations

1 to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3) (the Court  
2 “must determine de novo any part of the magistrate judge’s disposition that has been properly  
3 objected to.”). “The district judge may accept, reject, or modify the recommended disposition;  
4 receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R.  
5 Civ. P. 72(b)(3); *accord* 28 U.S.C. § 636(b)(1). A party properly objects when the party files  
6 “specific written objections” to the report and recommendation as required under Federal Rule of  
7 Civil Procedure 72(b)(2). Plaintiff filed timely objections.

8 Plaintiff is a pretrial detainee, being held at the Pierce County Jail. Dkt. No. 3 at 1. The  
9 charges are unclear. Plaintiff sued the “Pierce County Judicial System,” alleging that the ongoing  
10 criminal proceedings against him violate the United States Constitution. *See* Dkt. No. 5. Plaintiff  
11 is specifically concerned that he will not be permitted to attend the omnibus hearing under  
12 Washington Superior Court Criminal Rule 4.5. *Id.* at 3. The Report and Recommendation  
13 explains that the defendant is not an independent legal entity subject to a 42 U.S.C. § 1983 claim,  
14 and that the judge(s) he complains about are judicially immune from suit. Dkt. No. 6 at 4-6.  
15 Plaintiff’s objections do not counter these points. *See generally* Dkt. No. 7.

16 Nor do Plaintiff’s objections address the alternate basis for dismissal explained in the  
17 Report and Recommendation: that federal courts generally do not intervene in a pending state  
18 court criminal proceeding absent extraordinary circumstances where the danger of irreparable  
19 harm is both great and immediate. *See* Dkt. No. 6 at 6–7 (citing *Younger v. Harris*, 401 U.S. 37,  
20 43–45 (1971)). The Report and Recommendation properly concluded that Plaintiff has not made  
21 such a showing, and that *Younger* abstention is appropriate. *Id.*

22 Having conducted a *de novo* review of the Report and Recommendation and the record,  
23 the Court hereby ORDERS that:

24 1) The Report and Recommendation (Dkt. No. 6) is ADOPTED;

- 1 2) Plaintiff's objections (Dkt. No. 7) are OVERRULED; and
- 2 3) Plaintiff's complaint (Dkt. No. 5) and this action are DISMISSED without leave to
- 3 amend and without prejudice.

4 Dated this 16th day of June 2023.

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7 Tana Lin  
8 United States District Judge

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